

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

COMMONWEALTH OF PENNSYLVANIA,
PENNSYLVANIA GAME COMMISSION,

Plaintiff,

v.

THOMAS E. PROCTOR HEIRS TRUST and
the MARGARET O.F. PROCTOR TRUST,

Defendants.

Case No. 1:12-CV-1567

Judge Conner

UNOPPOSED MOTION TO DROP A PARTY UNDER RULE 21

Defendants, the Thomas E. Proctor Heirs Trust and the Margaret O.F. Proctor Trust (the “Proctor Trusts”), hereby move pursuant to Fed. R. Civ. P. 21 to drop Defendant Margaret O.F. Proctor Trust from this action, and in support thereof, state the following:

1. At the commencement of this action, the Proctor Trusts held joint interests in the oil, gas and mineral rights of Thomas E. Proctor with the Thomas E. Proctor Heirs Trust (the “PHT”) holding an undivided 93.75% and the Margaret O.F. Proctor Trust (the “MPT”) holding an undivided 6.25%.
2. On or about December 18, 2020, the MPT distributed its interests in the Proctor oil, gas and mineral estate to its beneficiaries.
3. Those beneficiaries subsequently assigned their individual interests to the PHT. The assignments from the beneficiaries to the PHT were recorded in

Bradford County on March 19, 2021 at Instrument Nos. 202103006 and 202103007.

4. Following the assignments, the PHT has succeeded to the rights of the MPT and the MPT is no longer a party in interest.

5. Accordingly, Defendants seek to drop the MPT as a party to this action.

6. Plaintiff, the Pennsylvania Game Commission, concurs in relief requested.

7. The dropping of the MPT will not affect the Court's schedule, including the trial set to commence on April 27, 2021.

WHEREFORE, Defendants respectfully request that the Court enter an order granting the Motion, dropping Defendant the Margaret O.F. Proctor Trust from this civil action, and enter such further relief as the Court deems just and proper.

Dated: April 12, 2021

Respectfully submitted,

/s/ Laura A. Lange

Laura A. Lange

Pa. ID No. 310733

1670 Sturbridge Drive

Sewickley, PA 15143

lange@proctortrust.com

Justin G. Weber (PA 89266)

TROUTMAN PEPPER

Suite 200, 100 Market Street

P.O. Box 1181

Harrisburg, PA 17108-1181

717.255.1155

717.238.0575 (fax)
Justin.Weber@troutman.com

Attorney for Defendants

CERTIFICATE OF CONCURRENCE

I hereby certify that I contacted counsel for Plaintiff via electronic mail on April 12, 2021, to determine whether Plaintiff consents to the relief sought herein, and counsel for Plaintiff concurred.

Dated: April 12, 2021

/s/ Laura A. Lange

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was electronically filed with the Clerk of Court today via the Court's CM/ECF, and that, pursuant to Local Civil Rule 5.7, participants in the case who are registered ECF users will be served by the ECF system.

Dated: April 12, 2021

/s/ Laura A. Lange